

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

- F037947 Franchise Tax Board v. Mittie's, Inc.**
Appellant's petition for rehearing filed herein is denied.
- F038176 Maples v. Kern Co. Assessment Appeals Board; Occidental of Elk Hills, Inc.**
The judgment is reversed. The trial court is directed to grant Assessor's petition for writ of mandate and to direct respondent to establish the value of the property in question at \$3.53 billion. Assessor is awarded his costs on appeal. Occidental's cross-appeal is dismissed as moot. Vartabedian, Acting P.J.
We concur: Harris, J.; Wiseman, J.
[CERTIFIED FOR PUBLICATION]
- F039769 Porter v. Porter et al.**
The judgment (order regarding claim for income tax refunds for years 1998, 1999 and 2000) is affirmed. Costs on appeal to respondents. Harris, J.
We concur: Vartabedian, Acting P.J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036813 People v. Ward**
The judgment is affirmed. Levy, J.
We concur: Ardaiz, P.J.; Dibiaso, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F038656 People v. Lucero**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F038656 People v. Lucero**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F037775 People v. Guzman

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037775 People v. Guzman

The appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037298 Branagh et al., v. Boydstrum et al.,

The appeal is dismissed. Respondent's motion for sanctions or, in the alternative, for attorney fees on appeal against Abbott, is denied. Each party shall bear his/their own costs. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038561 D & E Williams, Inc. v. Hansen; Wheeler

The May 14, 2001, minute order is modified to delete the third full paragraph of text thereof, beginning "This Court finds that the appeal was authorized..." As modified, the judgment is affirmed. Vartabedian, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036920 Macomber v. Red Robin International, Inc. et al.,

Filed modification of opinion (no change in judgment). Vartabedian, Acting P.J.

We concur: Harris, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040291 In re Samantha M. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

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F040291 In re Samantha M. et al., Minors

The orders terminating parental rights are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037400 People v. Williams

The judgment of conviction is affirmed. The finding declaring appellant's prior conviction for assault with a deadly weapon constituted a serious felony is reversed. The prosecution shall have 30 days after the remittitur is filed in which to give notice of his intent to seek retrial of the prior felony conviction allegation. If the district attorney gives such notice, the court shall conduct further proceedings in accordance with this opinion. If the district attorney fails to give such notice, the court shall resentence appellant to the term appropriate for him as a person with one prior serious or violent felony conviction. Levy, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041469 Angel E. v. Superior Court, Kern Co.; Kern Co. Dept. of Human Services

Pursuant to the terms of this court's order of October 21, 2002, and the failure of any party to request oral argument, the oral argument date of November 14, 2002, is vacated.

This matter is deemed submitted on the date of this order.

F037839 People v. Harris

The judgment is affirmed. Levy, J.

We concur: Harris, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038120 Polhemus v. Suburban Propane

The judgment is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]